

REMARKS

[001] A summary of the Applicant's invention. The Applicant respectfully presents this invention of a cognitive architecture system of twelve cognitive functions as patentable, novel, and unobvious, as detailed below:

(a) This invention is patentable by being useful, tangible and concrete. It is a significant improvement over the closest prior art, the Myers Briggs Type Indicator (MBTI), and it provides a superior alternative to their well-established and successful tool. The MBTI has proven to be useful, tangible and concrete over a 50-year period, with 40 million users, and currently being used by two million individuals per year, although it has significant deficiencies and is incomplete compared to the Applicant's invention.

(b) This invention is novel in having an entirely different structure than the MBTI, in having twelve cognitive functions compared to the eight elements of the MBTI, having a substantially different definition of eight cognitive functions, providing four cognitive functions missing in the MBTI, and having the cognitive functions matched in novel pairs of a left-brain-style function matched with a right-brain style function compared to the arbitrary and undefined sorting of elements into left and right columns in the MBTI. The applicant has been exceptionally vigilant in his search of prior art that might affect the novelty of this invention, as it would immediately invalidate any patent issued on this invention.

MPEP 608.02(b) IV, states that: *"for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly."* MPEP 2114 states that: *"Even if the prior art device performs all the functions recited in the claim, the prior art cannot anticipate the claim if there is any structural difference."*

(c) This invention is unobvious in not being anticipated or indicated in prior art, and resulting from an extensive research project involving the extensive review of over 350

books on leadership, management, psychology, and neuroscience, and many hundreds of management publications and business journals. This invention gradually evolved over a ten-year research period that included trial-and-error experimentation and validation as covered in more detail in the accompanying Declaration of the Applicant. The Applicant interviewed a large number of individuals in this research, development, and validation effort, including prominent corporate executives, industrial psychologists, and management consultants. The Applicant has been exceptionally vigilant in his search for obviousness, as such a finding would immediately invalidate any patent that is issued on this invention.

The unobviousness of this invention is further defined by the failure of others to come up with a superior alternative to the MBTI, although there has been ample opportunity considering the number of individuals familiar with the MBTI over the 50-year period of its existence including a number of critical assessments of this instrument over this 50-year period.

MPEP 2141-II states: *"When applying 35 U.S.C. 103, the following tenants of patent law must apply: (A) The claimed invention must be considered as a whole; (B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of the combination; (C) The references must be viewed without the benefit of inadmissible hindsight vision afforded by the claimed invention; and (D) Reasonable expectation of success is the standard with which obviousness is determined."*

[002] This invention provides a solution to a long-felt need. The following information defines a long-felt, long-existing, and unsolved need that has been apparent for many years and is now being addressed by this invention. This information is covered in more detail in the accompanying Declaration by the Applicant:

(1) In the over 50 years of use of the MBTI, with exposure to 40 million people, prior to the present invention no one has recognized the solution to the indicated problems and limitations of the MBTI and of other evaluation tools that has been provided by this invention. None have foreseen the novel and unobvious structure and details of

Applicant's invention that produces new, unexpected, and superior results.

(2) The May 2007 issue of the *TM (Talent Management)* journal featured a cover article with the title, *"Is Myers-Briggs Still Viable,"* regarding the MBTI, and copies of the relevant pages of this journal are provided in the accompanying Declaration by the Applicant. This article validates that the Applicant's invention is a much-needed and significant advancement over the MBTI in a very substantial field. It solves a long-felt, long-existing, and unsolved need for an effective way to develop the twelve cognitive functions of individuals as defined in the claims and specification of this invention.

(a) This article notes on the cover that *"40 million people have used Myers-Briggs in over 17 countries,"* and on page 23, the author of the article, Roger Pearman, president of Leadership Performance Systems, Inc., adds, *"More than 2 million administrations of the tool will occur this year."*

(b) On page 24, the author notes, *"Millions have taken the tool, and many have received a pretty bad interpretation of the results,"* adding, *"The main criterion was superficial, stereotypical, and a 'fun and games' presentation."*

(c) On page 27, the author notes that, *"It is likely that the MBTI is also the most under-used tool. Too many facilitators provide a 'drive-by' introduction to the basic concepts and never really tap into the results in a way that promotes individual development and understanding of group behavior."*

(d) Also on page 27, at the very end of the article, the author notes, *"Is it viable? Absolutely, in the hands of a knowledgeable user. Unfortunately, and for far too many learners, this knowledge is not part of the process."*

(e) This TM journal article underscores the long-felt and unsolved need for a superior alternative to the MBTI, that is more user-friendly, non-psychological in nature, and consistent with the culture and use of the English language of organizations today as provided by this invention. Further, the long-felt need of this invention is validated by these recent comments about an instrument which is based on a structure that has remained virtually unchanged for over 50 years.

(3) The 2004 book, *The Cult of Personality Testing: How Personality Tests are leading Us to Miseducate Our Children, Mismanage our Companies, and Misunderstand Ourselves*, by Annie Murphy Paul, former Senior Editor of the *Psychology Today* journal, devotes 32 pages to the MBTI, and copies of the relevant pages of this book are provided in the accompanying Declaration by the Applicant.

On page 125 she notes regarding the MBTI that: *"It is used by thousands of companies, including eighty-nine of the Fortune 100."* [The magazines largest 100 companies]. This further attests to the long-felt need of major corporations for an instrument of this type, better served by the superior alternative of this invention.

On pages 132 and 133 she quotes others as having written about the deficiencies and limitations of the MBTI as follows:

- (a) *"An act of irresponsible armchair philosophy,"* (John E. Barbuto in *Psychological Reports*, April 1997);
- (b) *"Too slick and simple, possessing an almost horoscope-like quality,"* (Robert J. Gregory, author of *Psychological Testing: History, Principles, and Applications*, in 1996.)
- (c) *"A Party Game,"* (Robert Hogan in the *Baltimore Sun*, July 14, 1990.)
- (d) The author of this book, Annie Murphy Paul, further states, *"when academic psychologists have evaluated the indicator, their judgments have not been kind."*

These quoted statements further attest to this long-felt need, served by the Applicants invention, that others have failed to address.

[003] Record of Interview with Examiners Nikolai Gishnock and Ronald Laneau on December 17, 2007. The Applicant completely agrees with the summary of the interview provided by the Examiners in the Interview Summary mailed December 20, 2007 on form PTOL-413, regarding *"Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See agenda for telephone interview of 12/11/2007."* (Quotations are from the text of the Interview Summary provided by the Examiners, followed by Applicant's comments. The complete text of the December 11, 2007 Interview Agenda provided by the Applicant has not

been included herein, as it is officially recorded by the Examiner's Interview Summary mailed December 20, 2004, and is substantially covered by the items of this amendment.)

- (a) *"Applicant discussed the impetus for proposed amendments to the specification based on his understanding of the referenced sections of the MPEP, see pages 2-5. The Examiners agreed that the specification amendments appeared to have support in the disclosure as originally filed and seemed acceptable."* This Item 1 on the agenda for the interview was discussed in detail, and the applicant agrees with the statement. The amendments to the specification were very carefully worded to avoid "new matter," and an explanation was provided for each topic of the changed wording.
- (b) *"Applicant further discussed his understanding of the 'one skilled in the art,' see pages 6-7, as a typical authorized practitioner of the Myers-Briggs Type indicator."* The Applicant provided this Item 2 on the agenda to clarify, under MPEP 2164.01, what one skilled in the art would know about the useful, tangible, and concrete methods utilized in the use and application of this invention.
- (c) *"The Applicant further discussed the issues brought forward under 35 USC 112 and 101, see pages 8-9, in reference to proposed new claim 19, see pages 10-13. The Examiners stated that the preliminary assessment of the claim did not uncover any issues under 35 USC 112, The Examiners further stated that claim 19 as proposed seemed to comply with 35 USC 101 in that utilizing documents and survey reports is claimed in the method, see para. (h)-(k), pages 11 & 12."* In Items 3 & 4 of the agenda, the Applicant provided the rationale for, and details of, this new sample claim 19. It was presented as a sample of the wording of proposed new claims, reworded from the canceled claims 1-18 to more precisely comply with 35 USC 112 and 101. The substantial and specific differences between this invention and the nearest prior art, the Myers-Briggs Type Indicator (MBTI), were commented on by the Applicant, as further provided in great detail in this Amendment.
- (d) *"The examiners then addressed the proposed claim 19 in view of 35 USC 103, and stressed the obviousness of features that may be construed as design choices, such as the names of the cognitive functions or the manner of subdividing the functions into columns. The applicant stated that differences existed between the cognitive traits described in the prior art and the cognitive functions of the present invention, as well as the significance of the right and left hand columns coordinating*

with right and left brain thinking. The Examiners stated that any perceived differences between the Applicant's invention and the prior art would need to be on record, and that a new search of claims would be required. No agreement was reached on the patentability of proposed claim 19." The Applicant acknowledges the Examiners' desire to conduct a new search regarding 35 USC 103, including classification 434/236. Applicant stated that he had previously searched classification 434/236 and personally did not turn up any relevant material regarding the obviousness of this invention. The Applicant briefly described the extensive ten-year, more than 10,000-hour, research effort that gradually evolved into this invention, and which included repeated trial-and-error experimentation and validation to arrive at the final discovery.

The Applicant further commented that the "user-friendly nature" and the "appearance" of obviousness is a major virtue and a significant design feature of this invention in practical use. However, this should not be confused with "obviousness" under the very specific criteria of 35 USC 103, as explained in the MPEP. The Examiners suggested that the Applicant review MPEP 2141 as a reference on the determination of obviousness.

It should be further noted that there is a significant difference between typical *"right and left brain thinking,"* as quoted above from the wording of the Examiners' Interview Summary, and the *"right-brain-style"* and *"left-brain-style"* thinking uniquely defined in the novel wording of this invention.

The Applicant respectfully submits that this summary of the December 17, 2007 interview is sufficiently complete in accordance with MPEP 713.04, and he would be pleased to provide further details from his notes from the interview if required.

The applicant further notes that the sample claim 19 of the agenda for this interview, and discussed above, is represented in almost identical form by independent claim 24 of this signed Amendment, with independent claims 19 and 27 representing a slightly broader and a slightly narrower version of this sample claim.

[004] The definition and knowledge of "One Skilled in the Art" is relevant to the understanding and interpretation of the claims of this invention. The

understanding and interpretation of this Application as amended herein requires a clarification of the term *“One skilled in the art”* as referred to in many paragraphs of the MPEP, as this skill level is needed to understand the method of use, the practical nature, and useful, tangible, and concrete results produced by this invention as claimed in the claims.

This clarification of the term *“one skilled in the art”* is necessary under 35 USC 112, second paragraph, and MPEP 2173.02, to ascertain whether *“those skilled in the art would understand what is claimed when the claim is read in the light of the specification.”* This is further covered by MPEP 2164.01, that states: *“A patent need not teach, and preferably omits, what is well known in the art.”*

One skilled in the art would be: one of the “50,000 professionally qualified administrators of MBTI” (Stated by Leah Walling, Marketing Communications Manager of the Consulting Psychologists Press on December 5, 2007); one of the many thousands of individuals professionally qualified to administer other equivalent personality assessment instruments; an individual with a college degree in psychology; an individual trained and experienced at a senior level in a human relations department in a substantial corporation; or the equivalent. The terms “common knowledge” and “conventional utilization” are used in this Amendment to refer to what “one skilled in the art” would readily understand and know about this field of invention.

It is understood that *“one skilled in the art”* would have common knowledge about the many ways the novel cognitive architecture system of twelve cognitive functions, the preference survey instrument, and the preference survey report of this invention are utilized in a usable, tangible, and concrete way to develop the competence, effectiveness and productivity of individuals in everyday real-life situations.

This “common knowledge” would include knowledge of the conventional utilization of the many and various formats of documentation of this invention and the method of utilizing this invention, comprising but not limited to: an electronic format; a computer program format; a video format; a paper format; a verbal format; and an audio format; documenting the one or more of the cognitive architecture system, the preference survey instrument, the preference survey report calculations, and the preference survey

report results in feedback format to the individuals completing a survey.

This common knowledge would further include many additional methods and means for providing knowledge about and beneficially utilizing this invention in a useful, tangible and concrete way, comprising but not limited to: the forms of documentation listed above; using individual paper cards, electronic projection means, or computer programs listing the survey traits for each of the twelve cognitive functions thus allowing individuals to rank the twelve cognitive functions in order of magnitude of preferences; instructional games involving groups of people; and the various forms and means for documenting the typical nature and characteristics of entities, employment activities, and other lifestyle activities, relative to the twelve cognitive functions of this invention, allowing each individual to match his or her preferences with the most suitable activities.

[005] Remarks on Amendments to the Specification. The specification has been amended to provide more definitive summary paragraphs covering the key points of the claims, without adding new matter, in accordance with MPEP 2163.06 regarding use of information from other parts of the application, MPEP 2163.07 regarding rephrasing, and MPEP 2163.07(a) regarding an inherent function, theory, or advantage.

[006] Amendment to Paragraph [0043] of the Specification. This amendment provides a definitive summary of the difference between a “cognitive function” and a “trait” as it is discussed in other parts of the specifications with no new material added. The following is the original text and the underlined additional text, with MPEP references and other references added in brackets:

[0043] The concept of this invention is based on (a) segmenting the cognitive architecture of our innate thinking process into its unique modular components, called functions in this invention; (b) identifying the exact cognitive traits common to each cognitive function as readily observable and distinct elements of all behaviors and actions of individuals; (c) naming and describing each cognitive function in conventional language for ease of use and comprehension; (d)

determining that individuals perform best and most comfortably when utilizing their preferred cognitive functions; (e) establishing that each of the cognitive functions is a necessary component of truly effective leadership; and (f) creating an individual and leadership development program based on improving competencies in each of these functions. A major distinction must be made between a small number of "cognitive functions" of a modular nature that are units of a human cognitive architecture system [Rephrased under MPEP 2163.07 from wording in [0063] which states: "*Segmenting the cognitive architecture of an individual's innate thinking process into a unique system of cognitive functions so each function can be clearly and explicitly defined and the character and attributes of each function clearly identified.*"] and the extremely large number of cognitive "traits" produced by each cognitive function. A cognitive function is a modular unit of cognition that, working individually or in unison with a small number of other cognitive function modules in a set, can produce a very large number of traits described among the many thousands of adjectives in the English language. [Rephrased under MPEP 2163.07 from wording in [0063] which states: "*Identifying that the readily observable and distinct cognitive traits of all behaviors and actions of individuals can be attributed to one of the twelve cognitive functions, can be a subset of a specific function, or can be attributed to a combination of functions,*" A cognitive trait is simply one of a number of distinguishing characteristics or behaviors produced by a single cognitive function, by a subset of that function, or by a combination of several cognitive functions. [Rephrased under MPEP 2163.07 from wording in [0063] as above.] The "cognitive architecture system" referred to above and in the claims is further described herein, and also illustrated in Fig. 1 and Fig. 2 of the drawings. Also, a distinction must be made between brain functions that relate specifically to the activity of cognitive thinking and the many other non-cognitive brain functions that relate to seeing, smelling, touching, hearing, music, art, kinesthetics, and the like. [Added under MPEP 2163.07(a) regarding an "*inherent function, theory, or advantage.*"]

[007] Amendment to Paragraph [0046] of the Specification. This amendment provides a definitive summary of matching cognitive functions in pairs as discussed in other parts of the specification with no new material added. The following is the original text and the underlined additional text, with MPEP references and other references added in brackets:

[0046] This invention includes a code of conditions and rules that governs the use of the twelve cognitive functions, and the interaction of the functions with each other: (a) the functions are matched in pairs with complementary but polar-opposite attributes; (b) we all have a natural preference for one or the other cognitive function in each pair; (c) we are able to use only one function in a pair at a time; (d) our profile of preferred functions is a filter that forms a bias that affects all our thoughts and actions; (e) a person will often use a function opposite to the one they naturally prefer in situations of a different or unusual nature; (f) memories of all experiences are stored with both facts and feelings about the situation; (g) we all have strengths, non-strengths and weaknesses among the twelve functions, with different levels of competency in each of the functions; and (h) the extreme use of any of the functions can lead to it taking on negative characteristics by becoming overly dominant in the pair and causing the opposite partner in the pair to become ineffective. An important feature of this invention is the novel sorting of this exact set of cognitive functions into pairs matching a "left-brain-style" function with a "right-brain-style" function, with the unique and novel definition of left-brain-style and right-brain-style characteristics clearly defined in the specification of this invention. [Rephrased under MPEP 2163.07 from wording in [0046] and [0072] describing pairs in detail.] It is important to avoid confusion or comparison with the many casual, varied, indefinite, often conflicting, and preconceived references to "left-brain" and "right-brain" thinking in prior art that lack the clarity, distinction, and specific definition of the complementary polar-opposite functions in the pairs of this invention. [Added

under MPEP 2163.07(a) regarding an *"inherent function, theory, or advantage."*] A further important feature of this invention is guiding individuals to first use the left-brain-style cognitive function in each pair before using the right-brain-style cognitive function in the pair for most effective use of both, as further described herein. [Rephrased under MPEP 2163.07 from wording in [0149 which states: "*It is most appropriate to use the slower left-brain style function in each pair first, to prepare for the most appropriate use of the faster right-brain style partner next.*"] Also, individuals more readily learn and remember the details of items matched in pairs, and more readily learn when items are sorted in column set groups or other groups of items sharing similar attributes and characteristics. The division of the twelve cognitive functions into pairs is illustrated in Fig. 2. [Added under MPEP 2163.07(a) regarding *"an inherent function, theory, or advantage."*]

[008] Amendment to Paragraph [0060] of the Specification. This amendment provides a precise definition of the cognitive architecture system as discussed in other parts of the specification, and to add clarity to proposed new claims, with no new material added. The following is the original text and underlined additional text, with MPEP references and other references added in brackets:

[0060] (a) Segmenting the cognitive architecture of an individual's innate thinking process into a unique system of cognitive functions so each function can be clearly and explicitly defined and the character and attributes of each function clearly identified. The cognitive architecture system of this invention is a novel combination of twelve cognitive functions covering the full spectrum of cognition. [Rephrased under MPEP 2163.07 from wording in [0046]]. This system is formed by the interacting and interdependent combination [Per definition of word "system" in The American Heritage Dictionary of the English Language, copyright 1979, which states: "*A group of interacting, interrelated, and interdependent elements.*"] of a group of twelve cognitive functions that work together in a complementary way, with each cognitive function supplying characteristics and

attributes that the others lack, [Per definition of the word “complementary” in Webster’s Seventh new Collegiate Dictionary, copyright 1969, which states: “mutually supplying each others lack.”] and which form a structurally related group of cognitive functions. [Per definition of word “system” in The American Heritage Dictionary of the English Language, copyright 1979, which states: “A structurally or anatomically related group of elements or parts.”] This system produces the meaningful result of assisting individuals in viewing the full spectrum of cognition in a readily understandable and learnable way, and using this understanding to improve competence, effectiveness and productivity in everyday real-life activities. [Added under MPEP 2163.07(a) regarding an “inherent function, theory, or advantage.”] The cognitive architecture system is further illustrated in Fig. 1 and Fig. 2.

[009] Replacement of Canceled Claims 1 to 18 with New Claims.

Claims 1 to 18 have been canceled, and new claims 19 to 29 added, to more clearly provide “claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention” in accordance with 35 U.S.C. § 112, and MPEP 2106-II-A, to define the patentable, novel, and unobvious subject matter of this invention.

The sample claim 19 of the Interview Agenda discussed in Item [003] above is represented in almost identical form by independent claim 24 of this signed Amendment, with independent claims 19 and 27 representing a slightly broader and a slightly narrower version of this sample claim.

The Applicant respectfully requests assistance from the Examiner under MPEP 707.07(j), 2173.02, and 2173.05(d) to “suggest claim language to applicants to improve the clarity or precision of the language used.”

[010] Response to Office Action. The following are detailed responses to the 14 items of the Office Action dated August 1, 2007, hereinafter referred to by the term O.A. (The

reference to line numbers in this response refer to individual lines of text on each page unless otherwise noted.)

[011] O.A. 1 to 14. Applicant respectfully submits the prior art cited fails to indicate the complete details and structure of this invention. The Applicant respectfully submits that the prior art cited, including Wood, Bouchard, and Buffington, and all other prior art, fails to individually, or in combination, indicate, suggest, or teach the novel and unobvious nature of the subject matter and structure of this invention as a whole as reflected in new claims 19 to 29, and with all the claim limitations of this invention. Applicant respectfully requests reconsideration of this rejection of the subject matter as now reflected in new claims 19 to 29 for the following reasons, and respectfully requests assistance under MPEP 707.07(j) and MPEP 2173.02 if needed to put these claims into patentable condition.

[012] O.A. 1. The Information Disclosure Statement was complete as filed. However, some items provided are missing from the U.S.P.T.O. office. The OA states that, *"The information disclosure statement filed 5/17/2004 fails to comply in its entirety with 37 CFR 1.98(a)(2)-----the deficient information has not been considered."* According to a stamped receipt received by the Applicant, it was confirmed that the Information Disclosure Statement was received at the U.S.P.T.O. on May 17, 2004, acknowledging receipt of all contents noted. However, in conversation with the Examiner on October 22, 2007, it was confirmed that the items received by the patent office, including information on the closest prior art, were not available to the Examiner at the time of preparing the first Office Action, and were thus not considered in this O.A. of August 1, 2007. The Examiner later acknowledged finding some of the missing items of this I.D.S., and the Applicant provided the others by fax on November 6, 2007.

[013] O.A. 2 & 3. The rejection of claims 1-18 under 35 U.S.C. 112, second paragraph, regarding interrelating elements of the invention and more distinctly

claiming the invention, has been overcome by canceling existing claims and writing new claims.

Claims 1-18 have been cancelled and new claims 19 to 29 provided to more clearly interrelate essential elements of the invention, and to more distinctly point out and claim the invention, in accordance with MPEP 2172.01.

[014] O.A. 4. The rejection of claims 1-3 under 35 U.S.C. 112, second paragraph, regarding word definitions, has been overcome by deleting the reference to dictionary definitions of words. All references to specific dictionary definitions of words in the claims have been eliminated, and the specification is referenced for the definition of words used in this invention in accordance with MPEP 2173.05(a) III.

[015] O.A. 5. The rejection of claims 15-18 under 35 U.S.C. 112, second paragraph, regarding quadrants has been overcome by canceling these claims. Claims 15-18 have been canceled. This subject matter is a mere use of the system and method of this invention and now covered by new claims 19 to 29.

[016] O.A. 6. The rejection of claims 5, 6, 7, & 17 under 35 U.S.C. 112, second paragraph, regarding antecedents, has been overcome by canceling these claims and writing new claims to precisely establish antecedent bases. Claims 5,6,7, & 17 have been canceled, and the antecedent bases of the new claims 19 to 29 have been clearly provided to overcome this rejection.

[017] O.A. 7 & 8(a). The rejection of claim 1 under U.S.C. 102 (b) regarding cognitive functions has been overcome by clarifying the difference between “cognitive functions” of this invention and “traits” referenced in Wood, and by Wood’s failure to define a set of twelve cognitive functions in a cognitive architecture system. Applicant respectfully requests reconsideration of this novelty rejection of the subject matter of claim 1 under U.S.C. 102 (b), as now reflected among new claims 19 to 29 of this invention, for the following reasons:

- (1) Re cognitive functions, MPEP 608.02(b) IV, states that: *"for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly."*

Applicant respectfully requests acceptance that Wood and other prior art references do not indicate this group of twelve cognitive functions covering the full spectrum of cognition forming the cognitive architecture system of this invention as now described in the new claims.

- (2) Re cognitive functions, MPEP 2114 states that: *"Even if the prior art device performs all the functions recited in the claim, the prior art cannot anticipate the claim if there is any structural difference."* Applicant respectfully requests acceptance that there are structural differences between Wood and this invention, and that the cited prior art fails to indicate the structure of the group of twelve cognitive functions forming the cognitive architecture system of this invention.

- (3) Re cognitive functions, the Wood reference to *"determining and classifying an individual's 'personality DNA,'"* in Wood Para. 0040 (O.A. 8, lines 5-6) fails to define the twelve cognitive functions of the cognitive architecture system of this invention, and there is a structural difference between the two inventions. In addition, Wood fails to include the step of a development program based on improving competencies in each of twelve cognitive functions of this invention, and fails to indicate other structural components of this invention, as detailed in paragraph [0043] of the specification of this invention.

- (4) Re cognitive functions, Wood fails to describe the difference between a "cognitive function" as a distinct module of cognition and the many mere "traits" common to each cognitive function. Paragraph [0043] of the specification states that the concept of this invention is based on *"segmenting the cognitive architecture of our innate thinking process into its unique modular components, called functions in this invention,"* and refers to *"cognitive traits common to each cognitive function as*

readily observable and distinct elements of all behaviors and actions of individuals.”

Paragraph [0063] further defines traits as *“readily observable and distinct cognitive traits of all behaviors and actions of individuals [that] can be attributed to one of the twelve cognitive functions, can be a subset of a specific function, or can be attributed to a combination of functions.”* Paragraph [0043] of the specification has been expanded, as noted above in this Amendment, to clarify the understood difference between cognitive functions and traits.

- (5) Re cognitive functions, Wood lists a total of 83 descriptive “trait” words resulting from the sixteen possible combinations of four of the eight cognitive functions (referred to as characteristics) of the Myers Briggs Type Indicator (MBTI) defined in Para. 0211 through Para. 0226 of Wood as referenced in O.A. 8(a). However, Wood fails to define that any of these descriptive trait words should be considered a specific cognitive function, and fails to define that any twelve should be selected as a complete set of cognitive functions of the cognitive architecture system of this invention.
- (6) Re cognitive functions, the Wood reference cited in the O.A. 8(a) of the “*down-to-earth*” phrase in Para. 0225 is not the same as the reality function precisely defined in paragraph [0074] of the application. (As allowed in MPEP 2173.05(a)). Correspondingly, the “*creative*” word of Wood in Para. 0214 is not the same as the imagination function precisely defined in paragraph [0075] of the application. This distinction applies to the other ten “trait” words matched to the remaining ten cognitive functions of this invention as precisely defined in paragraphs [0076] to [0087] of the application.
- (7) Re cognitive functions, there is no indication or suggestion that the twelve descriptive trait words from Wood referenced in the O.A. as equivalent to the cognitive functions of this invention be selected from the other similarly described 71 words to form the novel combination of twelve cognitive functions forming the

cognitive architecture system of this invention.

- (8) Re cognitive functions, Wood teaches away from this invention in that the referenced words of Para. 0211 to 0226 noted in O.A. 8(a) are shown as traits produced by the combination of four cognitive elements of MBTI. Wood fails to describe them as specific cognitive functions, or as combined in a specific set of modules covering the full spectrum of cognition of this invention. More specifically, Wood Para. 0225 lists “*down-to-earth*” as but one of seven “traits” produced by the MBTI combined set of ISTJ, which is the combination of the four cognitive elements of MBTI that are Introverted, Sensing, Thinking, and Judging. Wood similarly fails to teach the specific identification of the other eleven cognitive functions of this invention.

[018] 8(b) & (c). The rejection of claim 1 under U.S.C. 102 (b) re word definitions has been overcome by deleting subject matter from claims. The subject matter in parts (b) and (c) of item 8 of the O.A., namely the reference to identifying a dictionary used in definition and the reference to words in the form of a noun, verb, adjective, or other equivalent word, has been deleted by canceling claim 1, and by excluding this word usage from the new claims as being covered by the Doctrine of Equivalents.

[019] O.A. 9,10, & 11. The rejection of claims 2, 4, 5, 8-12, 14-18 under U.S.C. 103(a) re obviousness has been overcome by the following explanations.

Applicant respectfully requests reconsideration of this obviousness rejection of the subject matter of these claims, as now reflected among the methods of new claims 19 to 36, in accordance with MPEP 2141 and 2142, including the obviousness “rationales” A through G of the new USPTO Docket No. PTO-P-2007-0031 (KSR International Co. v. Teleflex Inc.).

MPEP 2141-II states: “*When applying 35 U.S.C. 103, the following tenants of patent law must apply: (A) The claimed invention must be considered as a whole; (B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of the combination; (C) The references must be viewed without the benefit of inadmissible hindsight vision afforded by the claimed invention; and (D) Reasonable expectation of success is the standard with which obviousness is*

determined.” The Applicant respectfully requests reconsideration of obviousness on these tenants, along with the “*long-felt need*” and “*failure of others*” defined in MPEP 2141-III.

Note that the letter designations of O.A. 11(A) through O.A. 11(D) have been added to divide O.A. 11 into separate topics.

[020] O.A. 11 (A). Rejection of claims 2, 4, & 5 under U.S.C. 103(a) re pairs of cognitive functions overcome by defining the unobvious nature of the novel pairs of this invention. Applicant respectfully requests reconsideration of this obviousness rejection on the use of pairs, as detailed on the last five lines on page 5, and on page 6, lines 1 to 7, as now reflected among the methods of new claims 19 to 31:

- (1) Re pairs of cognitive functions, Wood makes reference to “*processes occurring on the left and the right*” in Para. 0010-0019, but fails to define what these left-right processes are, and fails to define left and right processes in the precise and novel way of this invention. What is novel in this invention is sorting this exact set of group of twelve cognitive functions into complementary pairs matching a left-brain-style function with a right-brain-style function, with the unique description of left-brain-style and right-brain-style characteristics clearly defined in a novel way in the specification of this invention in paragraphs [0088] to [0090] and [0149].

The novel “*left-brain-style*” is a set of cognitive functions with an objective, conscious, and divergent style of serial processing to be used first in the pair, and the novel “*right-brain-style*” is a set of cognitive functions with a subjective, subconscious, and convergent style of parallel processing to be used after the opposite has done its work. These definitions establish the pairs of this invention as novel and unobvious. Paragraph [0046] of the specification has been expanded, as noted above in this Amendment, to more clearly define the nature, use, and novelty of the pairs in this invention.

- (2) Re pairs of cognitive functions, Wood teaches away from this invention in establishing pairs without defining the purpose and beneficial use of the pairing, and

in particular fails to anticipate the novel form of pairing of this invention referred to in the above paragraph. Wood fails to use the word “complementary,” (with each supplying what the other lacks) in any reference to pairs, establishing a clear distinction between Wood’s reference to pairs and the complementary pairs referred to in paragraphs [0046] and [0072] of this invention. It is important to avoid confusion or comparison with the many casual, varied, indefinite, often conflicting, and preconceived references to “left-brain” and “right-brain” thinking in prior art that lack the clarity, distinction and novelty of the polar-opposites in the novel pairs of this invention.

- (3) Re pairs of cognitive functions, Wood further teaches away from this invention in referencing, in Para. 0010, *“quadrants of thinking linked to particular regions of the brain, with processes occurring on the left or the right.”* This Para. 0010 to 0018 reference goes on to describe one of the quadrants with the characteristics cited of *“Analytical, quantitative, logical, fact-based”* but without signifying whether this is left brain or right brain thinking. Also, there is no definition of whether left-brain or right-brain thinking is referred to in the other three quadrants listed.

Further, in Para. 0021 & 0022, Wood lists *“decisions”* as an attribute of the *“Front Left quadrant”*, teaching against this invention that defines Decisiveness as a right-brain-style cognitive function. Furthermore, Wood fails to sort all the twelve cognitive functions of this invention into left-brain-style and right-brain-style columns, and thus fails to define the complete structure of this invention.

- (4) Re pairs of cognitive functions, the O.A., in Item 11, page 6, lines 7 to 11, states: *“Applicant has not disclosed that having the functions paired as specified solves any stated problem or is for any particular purpose.”* Paragraph [0072] of this invention answers this point in stating: *“Each function in a pair has complementary but polar-opposite attributes similar to east and west on the compass. The effectiveness of each function in a pair is increased by the way the two functions in a pair work together in a complementary and polar-opposite way, such as one hand to hold a*

piece of paper and the other to write a name, or first stepping on one foot and then the other to walk."

The word "complementary" used in the specification matches the definition in Webster's Seventh New Collegiate Dictionary, copyright 1969, of "*mutually supplying each other's lack*," and in equivalent wording in other dictionaries. This is a very different definition than the pairs referred to in Wood, as defined in the MBTI Manual, Third Edition, copyright 1998, by Myers Briggs, McCaulley, Quenk, and Hammer. This manual states on page 1, "*The eight characteristics [equivalent to cognitive functions or elements] that are defined in the MBTI are not traits that vary in quantity; they are dichotomous constructs that describe equally legitimate but opposite ways in which we use our minds.*" This MBTI Manual was provided with the I.D.S dated 5/17/2004.

MBTI, as referenced by Wood, further states on page 11, first paragraph, of the MBTI Manual that preference of one unit in a pair over the other is "*a choice between opposites, [and is] by 'nature either-or,' that is, a dichotomy.*" This is an entirely different relationship between cognitive functions in a pair, resulting in a different structure, compared to the complementary relationship of the cognitive functions in the pairs of this invention, where each supplies what the other lacks. It should be noted that the MBTI, as referred to in Wood, fails to define the attributes common to those elements listed in the left column, and common to those listed in the right column, simply stating that the items in pairs of MBTI are "*equally legitimate but opposite*" as noted above.

The novel form of pairing in this invention is an important feature in the preferred embodiment of this invention, assisting individuals in recognizing the importance of the balanced and sequential use of these polar-opposite but complementary pairs of cognitive functions. Also, individuals more readily learn and remember the details of items matched in pairs, and more readily learn when items are defined in column set groups or other groups sharing similar attributes and characteristics.

- (5) Re pairs of cognitive functions, the O.A., in Item 11, page 6, lines 11 to 14, states:
"Moreover, it appears that the pairings of Extroversion with Introversion-----would perform equally well for pairing cognitive functions based on left-brain- or right-brain-dominant thinking styles."

Wood, referencing MBTI, teaches against Applicant's invention in that it lists Extraversion in the left column. Extraversion shares similar attributes to Expressing in this invention, defined by the Applicant as a right-brain-style cognitive function, but shares no attributes with Listening, which is the left-brain-style cognitive function opposite to Expressing in this invention.

Wood, referencing MBTI, further teaches against Applicant's invention in that it lists Judging in the left column. Judging shares some similar attributes to Decisiveness, a right-brain-style cognitive function, but shares no attributes with Adaptability, which is the left-brain-style cognitive function opposite to Decisiveness in this invention. Thus two of the four pairs of MBTI referenced by Wood have opposite pair designations than this invention, further establishing that the pairs and the structure of this invention are unobvious, novel, and have a different structure compared to prior art.

- (6) Re pairs of cognitive functions, the O.A., in Item 11, page 6, lines 15 to 20, regarding claims 2,4, 5, & 9,states: *"Accordingly, it would have been obvious -----such that the pairs consist of-----considered a mere design consideration, which fails to patently distinguish over Wood."* As noted above, Wood fails to distinguish the difference between cognitive functions and mere traits produced by cognitive functions, fails to select the twelve cognitive functions of this invention from the 83 traits listed, fails to define left-brain-style and right-brain-style attributes and characteristics assigned to the twelve cognitive functions of this invention, and fails to anticipate, either explicitly or implicitly, the novel pairing and structure of this invention, establishing this invention as unobvious.

[021] O.A. 11 (B). The rejection of claims 4, 5, 8, & 9 under U.S.C. 103(a) re the preference survey process has been overcome by canceling these claims and incorporating this subject matter as a minority of steps in the multi-step methods reflected among new claims 19 to 36, and by identifying differences in prior art.

The O.A., in Item 11, page 6, lines 20 to 24; page 7, lines 1 to 24; and page 8, lines 1 to 4; regarding claims 4, 5, 8, 9, states: "Wood further teaches a system and method comprising the step of the extent of preference of an entity-----and descriptive text of the users personality." This rejection of canceled claims 4, 5, 8, & 9 of this invention covering a survey process has been overcome by reflecting this subject matter solely as a minority of steps in dependent claims in the multi-step methods claimed among new claims 19 to 29. The Applicant respectfully requests reconsideration of this rejection of this subject matter in view of the differences between Wood and the Applicant's invention as noted below:

(1) Wood uses a survey process for a different purpose to solve a different problem.

Wood fails to define the twelve cognitive functions of this invention, fails to define the structure of the cognitive architecture system of this invention, fails to indicate using a survey process to determine the magnitude of preference of an entity for each of the twelve novel cognitive functions of this invention, and fails to indicate all the claim limitations of this invention.

(2) Wood fails to indicate using this survey process to determine the magnitude of preference for each of the twelve cognitive functions of a number of different "entities" referred to in the specification and the claims. Wood refers solely to the individual as a "user," and not to the many and diverse other entities of this invention that provide a different structure to the survey process.

The following is a more detailed response to each of the paragraphs of Wood cited in this part of O.A 11:

- (3) Wood, in Para. 0019 cited, refers to *"one or more of the clusters is dominant"* which is a reference to the *"either/or"* dichotomy of opposites in MBTI pairs, which is different use and structure from the magnitude of preference for each of two complementary functions of this invention.
- (4) Wood, in Para. 0176 cited, refers to *"on completion of a particular test the user may be presented with additional questions or additional tests,"* adding that they may be *"a personality test, a psychographics questionnaire, and a role playing test,"* which are entirely different purposes than the survey process of this invention.
- (5) Wood, in Para. 0182-0188 cited, refers to using the survey to *"indicate a type,"* referring to one of the sixteen types of MBTI, where each type is composed of four cognitive functions, which is an entirely different use and purpose from this invention.
- (6) Wood, in Para. 0282 cited, again refers to the classification into MBTI *"types,"* which are combinations of four cognitive functions of MBTI, and not the twelve cognitive functions of this invention.
- (7) Wood, in Para. 0290 cited, refers to sorting into the classifications of *"Idealist, Guardians, Rationals, and Artisans,"* not the twelve cognitive functions of this invention.
- (8) Wood, in the Para. 0295-0296 cited, refers to *"purchase history, page view history, click history" to determine "the optimum content to display to the user,"* which is an entirely different purpose and use from this invention.
- (9) Wood, in Para. 0305 cited, refers to providing *"career related advice, relationship related advice, and financial related advice,"* which is an entirely different purpose and use from developing competence in the twelve cognitive functions of this

invention.

[022] O.A. 11 (C). The rejection of claims 10 & 11 under U.S.C. 103(a) re using two pairs of cognitive functions with unrelated assessment means has been overcome by deleting these claims. The O.A., in Item 11, page 8, lines 4 to 15, regarding claim 10, states: *"Wood teaches the utilization of two pairs of cognitive functions in conjunction with unrelated assessment means-----can be substituted across the cognitive systems of Wood."* Claims 10 and 11 have been canceled. The subject matter of these claims is an intended use of the system and method of this invention and is now afforded coverage by the new claims 19 to 29.

[023] O.A. 11 (D). The rejection of claim 11 under U.S.C. 103(a) re using two pairs of cognitive functions with unrelated assessment means has been overcome by canceling this claim. The O.A., in Item 11, page 8, lines 15 to 24, and page 9, lines 1 to 19, regarding claim 11 states: *"What Wood fails to explicitly teach-----is an intended use of the system and thus is not afforded patentable weight."* Claim 11 has been canceled. The subject matter of this claim is an intended use of the system and method of this invention and is now afforded coverage by the new claims 19 to 29.

[024] O.A. 11 (E). The rejection of claim 18 under U.S.C. 103(a) re using two pairs of cognitive functions in each of four quadrants has been overcome by deleting claim 18. The O.A., in Item 11, page 9, lines 19 to 24; and page 10, lines 1 to 24; page 11, lines 1 to 24; and page 12, lines 1 to 7; regarding claim 18, states: *"Wood discloses a system and method comprising the steps of combining four other quadrants----- are intended uses of the system and are thus not afforded patentable weight."* Claim 18 has been canceled. The subject matter of this claim is an intended use of the system and method of this invention and is now afforded coverage by the new claims 19 to 29.

[025] O.A. 12. The rejection of claims 3, 6, & 13 under U.S.C. 103(a) re the step of associating sets of cognitive functions into Reasoning, Relating, and Action

sectors has been overcome by clearly defining the novel and unobvious nature of this step in accordance with MPEP 2142. The O.A., in Item 12, states: *"Claims 3, 6, and 13 are unpatentable under 35 U.S.C. 103(a)-----associating sets of said cognitive functions with reasoning, relating, and action sectors----- which fails to patentably distinguish over Wood and Bouchard."* Claims 3,6, &13 has been canceled. The subject matter of these claims is an intended use of the system and method of this invention and is now afforded coverage by the new claims 19 to 29.

[026] O.A. 13. The rejection of claim 7 under U.S.C. 103(a) re the preference survey process has been overcome by canceling these claims and incorporating this subject matter as a minority of steps in the multi-step methods reflected among new claims 19 to 29, and by identifying differences in prior art. O.A. 13, page 13, lines 16 to 24; page 14, lines 1 to 24; and page 15, lines 1 to 3; regarding canceled claim 7, on the topic of "using a preference survey instrument," is now applicable among new claims 19 to 29. This rejection of canceled claim 7 of this invention covering a survey process has been overcome by reflecting this subject matter solely as a minority of steps in dependent claims in the multi-step methods claimed among new claims 19 to 29. The Applicant respectfully requests reconsideration of this rejection of this subject matter in view of the differences between the combination of Wood and Buffington and the Applicant's invention as noted below:

- (1) The combination of Wood and Buffington fails to define the difference between cognitive functions and traits, fails to select the twelve cognitive functions and the cognitive architecture system of Applicant's invention, fails to indicate using a survey process to determine the level of preference of an entity for each of the twelve novel cognitive functions in the novel structure of the cognitive architecture system with the pairs of Applicant's invention, and with all the claim limitations of Applicant's invention.

- (2) In addition to the prior remarks regarding the limitations of the Wood reference, Applicant states that Buffington teaches away from Applicant's invention by using a survey processes with "*opposed pairs*," adding, "*the functions are used in either/or fashion*," and fails to indicate the complementary nature of the cognitive functions of Applicant's invention. It fails to specify the characteristics common to left or right brain functions, fails to signify any unifying description or definition of what is in the first (left) column and what is in the second (right) column.
- (3) Buffington teaches away from Applicant's invention in that it lists Extraversion in the left column. Extraversion shares similar attributes to Expressing in Applicants invention, which is a right-brain-style cognitive function, but shares no attributes with Listening, which is the left-brain-style cognitive function opposite to Expressing of Applicant's invention.
- (4) Buffington teaches away from Applicant's invention in surveying to classify individuals into the categories of "*Commander, Organizer, Relater, and Entertainer (C.O.R.E.)*" that are unrelated to Applicant's invention.
- (5) Buffington and Wood do not indicate using a survey process for entities other than the one individual user. The present invention is not so limited.

[027] O.A. 14. Further prior art made of record in the O.A. fails to indicate, suggest, or teach the novel nature and structure of the twelve cognitive functions, the cognitive architecture system, and the method defined in the subject matter and claims of this invention. The additional prior art cited in this O.A. 14 has been thoroughly reviewed, and fails to indicate the novel and unobvious nature of the details and structure of this invention.

- (1) Shovers discloses a personality analyzer process with the six categories of "*mutualism, competitism, novitism, revertism, endurism, and centrism*." It fails to

indicate the twelve cognitive functions, the cognitive architecture system, and the structure and claims of this invention. It further teaches away from this invention in stating that “*categorizing the subject as either Realist or Idealist [imaginative] is too indefinite,*” in direct contradiction of the “*Reality*” and “*Imagination*” pair of this invention.

- (2) Dewar discloses a system and method for evaluating employees to establish a ranking of employees against each other within an organizational unit. It fails to indicate the twelve cognitive functions and the cognitive architecture system and method of the structure and claims of this invention. It further teaches away from this invention in defining a list of 50 traits to be used in ranking individuals, without identifying any as cognitive functions in the manner of this invention, and without identifying the set of twelve cognitive functions of this invention and their use as a system and method to develop the cognitive abilities of individuals.
- (3) Lacy et al. discloses a skill set assessment system to assess a user’s proficiency at performing a predetermined set of skills related to the user’s employment position. It fails to indicate the twelve cognitive functions, the cognitive architecture system, and the method of the structure and claims of this invention.

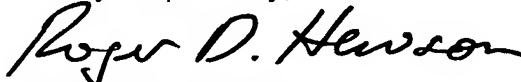
CONCLUSION:

For all the above reasons, Applicant submits that the specification and the claims are now in proper form, and that the claims all define patentably over prior art. Therefore he submits that this application is now in condition for allowance, which action he respectfully solicits.

Request for Conditional Assistance

Applicant has amended the specification and the claims of this application so that they are proper, definite, and define novel structure that is also unobvious. If, for any reason this application as amended herein is not believed to be in full condition for allowance, Applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P § 2173.02 and § 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Very respectfully,



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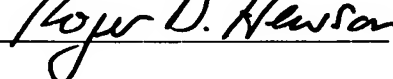
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Inventors Signature:  Date: December 28, 2007